IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1096/2006

ROSHAN SINGH Vs. STATE OF RAJASTHAN & ORS.

DATE: 17.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Pradeep Choudhary for the petitioner.
Mr. Ashwani Kr. Sharma, P.P. for the State.

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Heard rival submissions of the respective parties.

The petitioner has preferred this revision petition under Section 397 r/w Section 401 Cr.P.C. against the judgment dated 03.06.2006 passed by the Additional Chief Judicial Magistrate, Kishangarh-Bas, District Alwar in Criminal Case No. 202/1997 (52/1997), by which the accused-non-petitioners have been given the benefit of probation under Section 4 of the Probation of Offenders Act and have been directed to pay a fine/compensation of Rs. 300/- each.

Having considered the impugned judgment dated 03.06.2006 by which the accused have been given the benefit of probation under Section 4 of the Probation of Offenders Act and only directed to pay Rs. 300/-

each as compensation, which appears to be meager amount and normally for enhancement of the sentence, notices are required to be issued.

Therefore, in the interest of justice, I deem it proper to remit the matter back to the trial Court only for enhancement of compensation and to this extent the impugned judgment dated 03.06.2006 is remitted back to the trial Court. So far as giving the benefit of probation under Section 4 of the Probation of Offenders Act, no interference whatsoever is required by this Court and the judgment dated 03.06.2006 granting benefit of probation is herewith upheld.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/